No.

In The
Supreme Court of the United States

JOHN DOE I, JOHN DOE II, JOHN DOE III, on their own behalf and on behalf of the class -

Petitioners,

v.

THOMAS J. MILLER

Respondent.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Does the Iowa residency restriction for sex offenders violate the *ex post facto* prohibition as applied to people who committed their crime before the enactment of the statute in 2002?

2. Does the Iowa residency restriction on sex offenders violate the constitutional right to travel by essentially prohibiting most sex offenders from living in any towns greater than about 250 people?

3. Does the Iowa residency restriction on sex offenders violate the constitutional right to live with your immediate family by prohibiting offenders from moving into the homes of immediate family members?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. JOHN DOE I, II and III are the representative parties. The certified plaintiff class is the class of sex offenders currently living in the State of Iowa or who might wish to live in the State of Iowa who are subject to Iowa Code Section 692A.2A. Excluded from the class is anyone currently facing a criminal charge for violation of the Iowa statute.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

I. OPINIONS BELOW

The opinion of the United States Court of Appeals for the Eighth Circuit appears in the Appendix at page 98a and is reported at *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005).

The opinion of the United States District Court for the Southern District of Iowa granting a permanent injunction appears in the Appendix at page 29a and is reported at *Doe v. Miller*, 98 F.Supp.2d 844 (S.D.Ia. 2004).

The opinion of the United States District Court granting preliminary relief appears at the Appendix at page 1a and is reported at, *Doe v. Miller*, 216 FRD 462 (S.D.Ia 2003).

The opinion of the United States Court of Appeals for the Eighth Circuit denying the Motion to Stay the Mandate appears in the Appendix at page 145a and is reported at *Doe v. Miller*, 418 F.3d 950 (8th Cir. 2005).

II. JURISDICTION

The United States Court of Appeals decided this case on April 29, 2005. A timely petition for rehearing was denied by the United States Court of Appeals on June 30, 2005. A copy of the order denying rehearing appears at Appendix p. 83a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

The United States District Court had jurisdiction under 28 U.S.C. § 1331 and 1343.

III. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Iowa Code Section 692A.2A

Residency restrictions – child care facilities and schools.

1. For purposes of this section, *"person"* means a person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense or other relevant offense that involved a minor.

2. A person shall not reside within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility.

3. A person who resides within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility, commits an aggravated misdemeanor.

4. A person residing within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility, does not commit a violation of this section if any of the following apply:

1. The person is required to serve a sentence at a jail,